

Robert R. Baker - 05e  
 PO Box 250  
 Draper, UT 84020

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U.S. DISTRICT COURT

FILED  
 U.S. DISTRICT COURT

In the United States District Court for the  
 District of Utah, Central Division.

DEPUTY CLERK

Robert R. Baker,  
 Plaintiff,  
 v.

Civil Right Complaint

Civil Action #

Steven Turley, Warden,  
 Alfred C. Bigelow, Warden,  
 Richard Garden, M.D.,  
 Sidney G. Roberts, M.D.,  
 Kennon Tubbs, M.D.,  
 Joseph Coombs, P.A.,  
 Terry Jeffries, P.A.,  
 Logan S. Clark, P.A.,  
 Billie Casper,  
 George Eddleman, Lt.,  
 Lori Worthington,  
 Nancy Howard, R.N.,  
 Sam Stone,  
 Defendants,

(42 U.S.C. § 1983)

Case: 2:15-cv-00668  
 Assigned To : Waddoups, Clark  
 Assign. Date : 9/17/2015  
 Description: Baker v. Turley et al

## I. Jurisdiction and Venue

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation under color of state law, the rights secured by the Constitution of the United States. The court has

jurisdiction under 28 U.S.C. Section 1331 and 1343(a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff claims for injunctive relief are authorized by 28 U.S.C. Section 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure.

2. The United States District Court for the District of Utah, Central Division is an appropriate venue under 28 U.S.C. Section 1391(b)(2) because it is where the events giving rise to this claim occurred.

## II. Plaintiff

3. Plaintiff, Robert R. Baker, is and was at all times mentioned herein a prisoner of the State of Utah in the custody of the Utah Department of Corrections. He is currently confined in Utah State Prison, in Draper, Utah.

## III. Defendants

4. Defendant, Steven Turley, was Warden / Correctional Administrator II between 2007 to 2010, and also a Hearing Officer Dec. 2014, of Utah State Prison. He was legally responsible for the the operation of Utah State Prison, and for

the welfare of all the inmates in that prison.

5. Defendant, Alfred C. Bigelow, was warden — Correctional Administrator II between 2010 to 2014, and also a Grievance Responder Dec. 2010, of Utah State Prison. He was legally responsible for the operation of Utah State Prison, and for the welfare of all the inmates in that prison.

6. Defendant, Richard Garden, M.D., is and was at all relevant times herein an employee of the Department of Corrections at Utah State Prison, and is employed as a medical doctor and the Director of Clinical Services for the Utah State Prison. He is legally responsible for the operation of the prison infirmary and all medical services at Utah State Prison and for the medical welfare of all the inmates in that prison.

7. Defendant, Sidney G. Robert, M.D., is and was at all relevant times herein an employee of the Department of Corrections at Utah State Prison, and is employed as a medical doctor at Utah State Prison. He is legally responsible for all inmates under his care.

8. Defendant, Kennon C. Tubbs, M.D., is and was at all relevant times herein an employee of the Department of Corrections at Utah State Prison, and is employed as a medical doctor at Utah State Prison. He is legally responsible for all inmates under his care.

9. Defendant, Joseph Coombs, P.A., is and was at all relevant times herein an employee of the Department of Corrections at Utah State Prison, and is employed as a physician's assistant at Utah State Prison. He is legally responsible for all inmates under his care.

10. Defendant, Terry Jeffries, P.A., is and was at all relevant times herein an employee of the Department of Correction at Utah State Prison, and employed as a physician's assistant at Utah State Prison. He is legally responsible for all inmates under his care.

11. Defendant, Logan S. Clark, P.A., is and was at all relevant times herein an employee of the Department of Corrections at Utah State Prison, and employed as a physician's assistant at Utah State Prison. He is legally responsible for all inmates under his care.

12. Defendant, Billie Casper, is and was at all relevant times herein an employee of the Department of Corrections at Utah State Prison, and employed as Grievance Coordinator at Utah State Prison.

13. Defendant, George Eddleman, Lt., is and was at all relevant times herein an employee of the Department of Corrections at Utah State Prison, acting as a Grievance Responder at Utah State Prison.

14. Defendant, Lori Worthington, is and was at all relevant times herein an employee of the Department of Corrections at Utah State Prison, acting as a Hearing Officer and Grievance Responder at Utah State Prison.

15. Defendant, Nancy Howard, R.N., is and was at all relevant times herein an employee of the Department of Corrections at Utah State Prison, and employed as a registered nurse with Clinical Staff, and a Grievance Responder at Utah State Prison.

16. Defendant, Sam Stone, is and was at all relevant times herein an employee of the Department of Corrections, employed as a Medical Supply Officer.



17. Each defendant is sued individually and in his or her official capacity. At all times mentioned in this complaint each defendant acted under the color of state law.

### III Facts

18. 9-25-2005 <sup>9-29-05?</sup> Tubbs, Kennon C. M.D. - Infirmary (\* This is when the Prison Medical Staff first knew about my neuropathy and pressure ulcers.) "Toes swelling discoloration erythema with open pressure ulcer on toe [Rt. foot], will send to [University Medical Center (U.M.C.)] podiatry (sic) for further eval. Refer to outside consultant. Podiatry for eval. of large pressure ulcer on dorsal aspect of 5<sup>th</sup> toe."

19. 10-4-2005 Transported to U.M.C. for evaluation. Dr. Terry Smith - University Medical Center (U.M.C.) Consultation Request - Reason for Referral: "Podiatry for eval. of large pressure ulcer of 5<sup>th</sup> toe [Rt. foot]" Consultant's Evaluation: "... 1 wk history of ... pedal numbness. Wound 5<sup>th</sup> toe 1cm. distal full thickness ulcer and resolving hemorrhage blister of lateral side of same digit. Pedal pulse  $\frac{2}{4}$  R. Absent sensation to 5.07 gm. monofilament. 1.) Debrided both lesions of necrotic tissue - no pus or deep extension. Neg. probe to bone

- 2.) Redressed ... 3.) Continue [anti-biotics] ... daily dressing changes until wound closure.
- 4.) Obtain well fitted "wider" shoes otherwise this will repeat again."

20. 10-4-2005 Upon returning to the Prison Infirmary I spoke with Dr. Tubbs about well fitted shoes as prescribed by Dr. Smith, Podiatrist at U.M.C. Dr. Tubbs told me that the specialty medical shoes would cost about \$100<sup>00</sup> for my part of the bill. He then recommended I buy shoes from the prison Commissary to save money, stating: "Shoes on commissary are almost as good as the medical shoes, but only  $\frac{1}{3}$  to  $\frac{1}{2}$  the cost to me."

21. (\*I've known since the late 1980's that because of neuropathy in my feet, I need well fitted shoes and boots to protect my feet. Knowing this I always bought top quality well fitted shoes from places like, "Foot Locker" and "The Athlete's Foot", and my work and winter boots came from "Red Wing" at \$300<sup>00</sup> to \$500<sup>00</sup> a pair; all except one pair of "white" boots.)

22. 2-27-2007 Cody Charlton, APRN-Infirmary  
"1.5 cm. in diameter healing ulceration on posterior

left heel." (This blister was from my own new shoes bought from prison commissary.)

23. From Oct. 2005 to April 2009 - Aprox. 3½ years - I bought my shoes from the prison commissary. (I'd already had one pair of sneakers I'd bought for gym, but I wore the prison issued shoes at work; a dirty-wet environment.) The prison had also issued me a pair of cheap, bad fitting, boots for work, but I had to supply a pair of arch supports (from outside the prison).

24. When I could no longer afford to pay for commissary shoes, I was forced to wear the prison issued shoes while petitioning medical for the "well fitted specialty medical shoes" prescribed by Dr. Smith, U.M.C. Podiatrist.

25. 4-9-2009 I'd gone to the infirmary because the prison issued shoes were again giving me pressure ulcers. Logan Clark, P.A. - Infirmary, "Inmate here regarding ulcers and infection of feet bilaterally. Infection and blister on 2<sup>nd</sup> digit to - first layer of skin has rubbed away. Ulcer on edge of 5<sup>th</sup> digit on right foot noted. Inmate reports cause is



his [prison issued] shoes which are small and not wide enough for his feet. Inmate has had ulcers previously. Clearance placed for shoes and insoles" [through Medical Supply].

26. 4-13-2009 Logan Clark, P.A. - Infirmary  
"Inmate here for follow-up on foot ulcers..."

27. Sam Stone - Medical Supply, measured my feet, ordered, procured, and delivered my 1<sup>st</sup> pair of well fitted prison issued shoes, "New Balance - Cross Trainers".

28. 3-8-2010 I had gone to the infirmary because my "Well fitted New Balance - Cross Trainers" were worn out and needed to be replaced.  
Logan Clark, P.A. "Inmate reports getting pressure ulcers from shoes over a year ago. No current ulcers but nodule has formed on joint of toe. (I was told I couldn't get replacement shoes until next month - one year from issue.)

29. 4-20-2010 I returned to the Infirmary to see about replacing medical shoes (New Balance)  
Logan Clark, P.A. - Infirmary "Inmate seen today regarding shoes. Has history of... feet issues. Inmate reports neuropathy of the feet and inmate has

had problems with ulcers in the past. Inmate needs new shoes. Ordered: Insoles (denied), Ordered: Shoe renewal ... for neuropathy of feet - approved.

30. 5-5-2010 Sam Stone-Medical Supply, delivered a pair of So-called Medically Authorized "Pedor's" Slippers; these are not shoes, are not well fitted (loose on my feet) Sam said, "the prison no longer issues "Sport shoes" because inmate were selling them." I pointed to my shoes, telling him I still had mine and they were worn out. I was forced to take these "Pedor's" Slippers or nothing. (I kept the wornout "New Balance" shoes for gym.)

31. 10-28-2010 I returned to medical because the Pedor's Slipper were already worn out (6 months). Terry Jeffries, P.A. - Infirmary, "Has hole in toe of his medically authorized shoe (Pedor's Slippers), was just issued in May... unable to authorize more than one pair of medically authorized shoes per year... Right shoe has hole in toe [the left shoe was almost worn through too!]" \* Considering I'd only wore these (slippers) to walk around - they were so not well fitted, you couldn't run or use them at gym - they sure wore out quite quickly.

32. 10-29-10 Grievance filed for shoes #990877765

Grieved needing well fitted shoes because of neuropathy (as per Dr. Terry Smith, Podiatrist, U.M.C.) Medical had supplied me with "New Balance - Cross Trainers" (sport shoe) in the past. I also offered to have good shoes purchased and sent into the prison from the outside (denied). The Pedor's Slippers were worn out.

33. Because Prison Medical refused to supply me with the well fitted shoes prescribed by the Foot Specialist at U.M.C., I was forced to wear worn out (holes in toes) through the snows of winter 2010-2011.

34. 4-5-2011 After a winter of wet feet - from snow and slush coming through the worn out pedor's slipper. Tim Langley, P.A. - Infirmary "Renew Clearance for shoes". I finally got a new pair of ill-fitting "Pedor's" Slippers.

35. 4-18-2011 Even though these are so-called "Medically Authorized Shoes" (Pedor's Slippers) I still got ulcers on my feet because they were too loose (not well fitted) and moved around on my feet. Cody Carlton, APRN - Infirmary "... scheduled for care of infection to 2nd digit of Rt. foot x 1 week ... reports healing up ... neuropathy to

bilat lower ext. has medically issued [Pedro's Slippers] shoes ... has 4-5 mm ulceration to dorsal aspect of 2<sup>nd</sup> digit of Rt. foot."

36. 5-31-2011 Petitioned Brittany Gilbert, ADA Coordinator - Institutional Operations, regarding Acknowledgement and Accommodations as an American with Disabilities, for Severe bi-lateral peripheral neuropathy with accompanying balance issues. (Issued: July 20, 2011.)

37. 12-14-2011 Logan S. Clark, P.A. - Infirmary  
Shoe - Custody Issue: New Shoes - Size 12 E, Issued by Prison Clothing Issue (Bob Barker brand "cheap" so-called "Medical Issued shoes for wide feet"). These shoes are better than "Pedro's" for quality, but are still too loose and too wide. (Ulcers)

38. 6-16-12 Petitioner, Robert R. Baker, files GRAMA (Government Records and Management Act) request for "TMF 06 - Medical Operations Manual"; researching what I should expect from Medical for my personal medical needs.

39. 7-3-12 The Dept. of Corrections (DOC) Division of Institutional Operations (DIO) denies my GRAMA Request as "Protected" records. - Gena Proctor



40. 7-16-12 Petitioner Appeals DOC-DIO denial to Mike Haddon, Deputy Director.
41. 8-1-12 Mike Haddon denies appeal for requested GRAMA Records as "Protected" records.
42. 8-16-12 Petitioner Appeals DIO denials for GRAMA Request to the State Records Committee.
43. 12-13-12 State Records Committee hearing Baker v. Utah Dept. of Corrections, case# 12-25. Decision for Petitioner, Robert R. Baker. DOC must release "TMFC 06 Medical Operations Manual" (subject to redaction for Safety and Security) Decision and Order entered into records (12-24-12).
44. 1-2-13 Sidney G. Roberts, M.D. - Infirmary Shoe-custody Issue: "States he already has his shoes (2<sup>nd</sup> pair Bob Barker "Wide Shoes") now just needs clearance" [still too loose, too wide].
45. 1-18-13 Terry Jeffries, P.A. - Infirmary Prison medical staff are questioning the validity of my medical issues (neuropathy, balance issues, weakness, fatigue, preliminary Multiple Sclerosis diagnosis) All clearance discontinued after 8 years.



46. 2-19-13 Sidney G. Roberts, M.D. - Infirmary  
Prison Medical Staff still questioning my medical  
issues (M.S. diagnosis, neuropathy, balance issues, etc.)  
Will not reinstate medical clearances.

47. Feb. 2013 Grievance Filed for Medical Clearances  
# 990884965. Grieved-loss of Clearances.  
Pointing out my need for these clearances as  
related to safety issues (Bottom Bunk, Bottom Tier,  
Shower Chair), also health issues (CPAP for  
sleep apnea, well fitted shoes - for neuropathy  
in feet, to avoid pressure ulcers w/ inherent  
infections and the possibility of amputations).

48. 3-25-13 Sydney G. Roberts, M.D. - Infirmary  
"Requesting renewal of clearances... states M.S.  
cannot feel feet for years, tingling in hands for  
years... maybe we should image him... persistent  
non-progressive sensory symptoms..." (This only after  
I filed grievance).

50. 3-25-13 Sydney G. Roberts, M.D. - Infirmary  
"Shoe Custody Issue: Would like size 13 shoes"... (denied)

51. 4-12-13 Sydney G. Roberts, M.D. - Infirmary  
MRI Pending (Finally looking into my neuropathy)

52. April 2013 University Medical Center  
MRI- Brain stem and spinal column. Incomplete  
due to claustrophobia.

53. 4-25-13 Chad Duford, P.A. - Infirmary  
"Discuss recent MRI... claustrophobia... unable  
to complete..."

54. 5-30-13 Sydney G. Roberts, M.D. - Infirmary  
"Suggest Valium for claustrophobia... makes me  
sick..." Roberts had doubts, believes trying to  
avoid MRI.

55. 8-6-13 Kennon Tubbs, M.D. - Infirmary  
"... review [completed] MRI... no findings of M.S.  
Inmate demanding clearances". (Regardless of un-  
confirmed diagnosis, symptoms persist: neuropathy,  
balance issues, fatigue, etc...)

56. Sept. 2013 University Medical Center - Burn Clinic  
Specialist to evaluate pressure ulcers on both  
feet. Admitted to "Intensive Care Unit" for  
Cellulitis in lower Rt. leg - 3 days Anti-biotic  
infusions.

57. Oct <sup>22nd</sup> ~~8~~ Nov. 2013 University Medical Center -  
Neurology Clinic. Checked for neurological disorder

in feet and hands. Diagnosis: Severe bilateral peripheral neuropathy with balance issues. (10-22-13, Idiopathic Progressive Neuropathy).

58. 2-20-14 Eric Di Francesco, R.N. & Sidney G. Roberts, M.D. - Infirmary. Sent to "Fit Well" (Orthopedic Specialty Supply) for "well fitted shoes"; as prescribed by Dr. Terry Smith, Podiatrist, University Medical Center (8½ years earlier) on 10-4-05. (Too late, I already had ulcers that lead to losing my toes 10 months later.)

59. 6-3-14 Joseph Coombs, P.A. - Oquirrh Med-Room. Orders: Size 13 special shower shoes, because of pressure ulcers.

60. 8-7-14 Pamela Prince Nielson, PA-C, University Medical Center - Wound Clinic (Burn Clinic) Admitted to U.M.C. for assessment of pressure ulcers on both feet - Anti-biotic infusion by PICC line for infection.

61. 8-12-14 Stephen E. Morris, M.D. - University Medical Center. Surgery of both feet. Exploratory Surgery on infected Left foot (open ulcer), Debrided Right foot.

62. 8-16-14 Discharged from University Medical Center. Transported to Utah State Prison and admitted to Prison Infirmary.

63. 8-18-14 Utah State Prison - Infirmary  
Missed: 5pm anti-biotic infusion and dressing change.

63. 8-19-14 Utah State Prison - Infirmary  
Missed: 11pm anti-biotic infusion

64. 8-20-14 Utah State Prison - Infirmary  
Missed: 5am anti-biotic infusion and dressing change.

65. (Missed anti-biotic infusions - 8-19 11pm and 8-20 5am, were back-to-back.)

66. 8-21-14 Anti-biotic infusions extended one extra day to make up for 3 missed times. (PICC line removed) Discharged to Housing Unit.

67. 8-27-14 Utah State Prison - Infirmary  
Infection returned to left foot. Infirmary started I.V. anti-biotics (Zosyn - 3.375 ml. TID)

68. 8-29-14 Stephen E. Morris, M.D., University Medical Center, Follow-up for wounds and reinfected ① foot. Reinstalled PICC line, continue Zosyn QID

(Prison only does Zosyn TID).

69. 9-16-14 Eric Di Francesco, R.N. - Infirmery  
Tele-med with Pamela Prince Nielson, PA-C at  
University Medical Center. Infection has become  
resistant to Zosyn, changed to Meropenem 500 mg.  
QID, dressing changes continue at twice daily.

70. (Unable to procure Medical Records - The  
following statements are mostly from memory  
and notes.)

71. Anti-biotic infusions continued until approx.  
the middle of Nov. 2014. Dressing changes for  
pressure ulcers continue until Dec. 15, 2014.

72. 12-15-14 Wicara Orthopedics - Subsidiary  
to University Medical Center. Evaluation of  
Pressure ulcer and infection of left foot. X-Rays  
show deterioration of bone in Great toe. (Bone  
infection) Recommended: Amputation of one or  
more toes of left foot.

73. 12-22-14 Wicara Orthopedics - U.M.C.  
Consultation with surgeon about amputation.  
Surgery removed all 5 toes from left foot.  
(Returned to Utah State Prison the same day.)



74. I continue to have post-operative medical issues; phantom pain-exasperated by the surgery to amputate my toes, balance issues, the need for specialty orthopedic footwear because of amputation, continued neuropathy and inherent pressure ulcers.

#### IV Beliefs

75. Since the late 1980's, I've known I need quality, well fitted shoes to take care of my feet. Over the intervening years I've spent thousands of dollars purchasing top of the line footwear. I followed my doctor's orders and kept my feet healthy and safe.

76. In late Sept. 2005, the Prison Medical Staff knew about my neuropathy and the pressure ulcers from the prison issued shoes. They referred me to an outside consultant (specialist) at U.M.C. for evaluation.

77. Early Oct. 2005, I saw Dr. Terry Smith, Podiatrist (foot specialist) at U.M.C. Dr. Smith's prescription and prognosis, "obtain well fitted winter shoes, otherwise this [pressure ulcers] will repeat again."

78. After returning from seeing the podiatrist at U.M.C. Dr. Tubbs at the prison infirmary told me about their "specialty medical shoes" (Fit Well?), and then proceeded to convince me to buy shoes from the prison commissary (I believe this was to save the prison money, not for my benefit as the patient).

79. Between Oct. 2005 to April 2009, the shoes I personally bought off commissary were sufficient for the most part; I, having only one minor blister while breaking in a new pair of Reebok's.

80. In April 2009, when I could no longer afford to purchase shoes from commissary, Prison Medical had Medial Supply measure my feet and issue me an inexpensive pair of "New Balance-CrossTrainer" (sport shoes). These were not the "Specialty Medical Shoes" mentioned by Dr. Tubbs in 2005. These shoes, although not really well-fitted, worked without incident.

81. Although the Prison Medical had known since 2005, my need for well-fitted shoes; in 2010, when the New Balance (sport shoes) wore

out, Prison medical began to deviate from the minimum requirements of the U.M.C. Podiatrist's (foot specialist) prognosis and prescription for well-fitted shoes:

- May 2010, Pedor's Slippers - not snug or well fitted - soft and stretchy.
- April 2011, Pedor's Slippers - again.
- Dec. 2011, "Bob Barker" shoes for wide feet - too wide - loose - sloppy.
- Dec. 2012, "Bob Barker" shoes again - these are the shoes that gave me the pressure ulcers that resulted in amputation.

82. Personally wanting to know what the State of Utah legally has to supply for inmate medical care, I petitioned through GRAMA for TMF 06 "Medical Operations Manual" in June 2012, which ended in my appealing and winning my case with the State Records Committee (Dec. 13, 2012).

83. In retaliation, the Prison Medical Bureau discontinued my medical clearances 1-18-2013; this included my clearance for Medical Issue shoes. They began to question all of my current and past medical history. I believe this was in retaliation to winning the appeal for their coveted TMF 06.

## "Medical Operations Manual"

84. I ended up having to grieve #990884965 Feb. 2013, to get the attention I needed to force them to investigate my medical issues, and reinstate my clearances (including shoe clearance).

85. On Feb. 20, 2014, I was finally sent to "Fit Well" to get the Specially Well-fitted Medical Shoes — that I'd needed for years — which Dr. Tubbs alluded to, and then convinced me I didn't need, in Oct. 2005. This was only after the "Bob Barker" shoes gave me the bad pressure ulcers that lead to infection and ultimately the loss of my toes. (Too little, too late!)

86. On Dec. 22, 2014, all five toes on my left foot were amputated, because of infection from pressure ulcers, caused by ill-fitting Prison Medical Issued shoes.

## IV Conclusion

87. The Prison Medical Staff knew in 2005, about my medical issues with neuropathy and resultant pressure ulcers. They knew — by their own specialist (Dr. Terry Smith, Podiatrist, U.M.C.) — what need to be done to



significantly reduce the risk for pressure ulcers and inherent infections (Well-fitted shoes).  
[I knew this in the late 1980's. Imagine that!]

88. The Prison had no problem in allowing me to purchase my own (almost) well-fitted shoes from commissary, but when it came upon them to supply my shoes, they issued me inexpensive (~~\$39.99~~) New Balance-Cross Trainers, and subsequently with even more inferior shoes (Pedor's Slippers) and ("Bob Barker" wide shoes).

89. When they finally decided they had a problem with my medical treatment, they sent me to "FitWell" for what Dr. Tubbs originally told me were "Specialty Medical Shoes", but it was too late, I already had the ulcers that lead to my amputation.

90. Synopsis: They knew I had a medical problem with inherent risks for infections. They knew what needed to be done to avoid these risks. They failed to provide - for whatever reasons - adequate medical treatment; even that prescribed by their own specialist. Because of these failures I lost the toes of my left foot. I will forever be affected by this loss.



## VI Exhaustion of Legal Remedies

91. Plaintiff, Robert R. Baker, used the prisoner grievance procedure available at the Utah State Prison to try and solve the problem. On Sept. 22, 2014, plaintiff, Robert R. Baker, presented the facts relating to this complaint. On Oct. 15, 2014, plaintiff, Robert R. Baker, received a response, dated Oct. 8, 2014, saying that the grievance had been denied. On Oct. 17, 2014, he appealed the denial of the grievance at the 2<sup>nd</sup> level. On Nov. 21, 2014, the plaintiff, Robert R. Baker, received a response, dated Nov. 4, 2014 denying his level two appeal. On Nov. 24, 2014, plaintiff, Robert R. Baker, filed an appeal at the 3<sup>rd</sup> (final) level. On Dec. 4, 2014, Steven Turley, Hearing Officer - Utah Dept of Corrections denied my level three grievance, stating: "If you are dissatisfied with this response and wish to take further action, this level three grievance response will serve as evidence you have exhausted the administrative remedy process."

## VII Legal Claims

92. Plaintiff, Robert R. Baker, realleges and incorporates by reference paragraphs 1-91.

93. At all relevant times herein, defendants were "persons" for the purpose of 42 U.S.C. Section 1983 and acted under color of law to deprive plaintiff of his constitutional rights as set forth below.

94. The Deliberate Indifference to Medical Needs violated plaintiff, Robert R. Baker's, rights and constituted cruel and unusual punishment under the Eighth Amendment to the United States Constitution.

95. The plaintiff has no plain, adequate, or completed remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants declaratory and injunctive relief which the plaintiff seeks.

### VIII Prayer for Relief

Wherefore, plaintiff respectfully prays that this court enter judgement granting plaintiff:

96. A declaration that the acts and omissions described herein violated plaintiff's rights under the Constitution and laws of the United States.

97. A preliminary and permanent injunction ordering defendants: Steven Turley, Warden; Alfred C. Bigelow, Warden; Richard Garden, M.D.; Sidney G. Roberts, M.D.; Kennon Tubbs, M.D.; Joseph Coombs, P.A.; Terry Jeffries, P.A.; Logan S. Clark, P.A.; Billie Casper; George Eddleman, Lt.; Lori Worthington; Nancy Howard, R.N.; Sam Stone to supply medical treatment equal to or better than what the average person receives outside the confines of the Utah State Prison, and that they follow the prescriptions and recommendations of their own outside medical specialists. That they stop ignoring the complaints of the individual inmates, or grouping them together in a discriminatory profile or generalization about an inmate.

98. Compensatory damages in the amount of \$5,000,000<sup>00</sup> (Five Million Dollars) against each defendant, jointly and severally.

99. Punitive damages in the amount of \$1,000,000<sup>00</sup> (One Million Dollars) divided equally between and against each defendant.

100. A jury trial on all issues triable by jury.

101. Plaintiff's cost in this suit.

102. Any additional relief this court deems just, proper, and equitable.

Dated: 8<sup>th</sup> Sept. 2015.

Respectfully submitted,

Robert R. Baker #166051

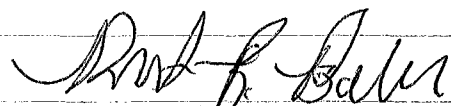
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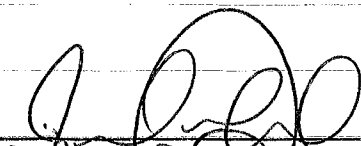
Draper, Utah 84020

### Verification

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at: Utah State Prison, Draper, Utah  
on 8<sup>th</sup> Sept. 2015.

  
Robert R. Baker

  
Notary Public

My Commission expires: JUNE 6 2018

(27)

